

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MUSSELSHELL RIVER ABOVE ROUNDUP BASIN (40A)
PRELIMINARY DECREE

* * * * *

CLAIMANTS: Crazy M Ranch Partnership; Crazy M
Ranch; John C. Mackay

OBJECTOR: Crazy M Ranch Partnership

CASE 40A-0419-R-2022

40A 26218-00	40A 172192-00
40A 34678-00	40A 172194-00
40A 105560-00	40A 172195-00
40A 105561-00	40A 172196-00
40A 109100-00	40A 198172-00
40A 172191-00	40A 205306-00

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, §85-2-233(5), the above entitled Case was assigned to Senior Water Master Melissa Lockman. The Water Master filed a Report containing Findings of Fact and Conclusions of Law with the Clerk of Court. On March 8, 2023, the parties timely filed an objection to the Master's Report. The parties' objection states a proposed resolution to the source name for claim 40A 105561-00 was omitted from the Master's Report. As described in the objection, the parties request the source name be modified from "Cottonwood Creek, Middle Fork," to "Unnamed Tributary of Middle Fork of Cottonwood Creek."

Claim 40A 105561-00 is a claim for stock drinking directly from the source. No objections were filed to the source for claim 40A 105561-00, however "source" appeared on the Basin 40A Objection List pursuant to a notice-only issue remark. Based on the

maps provided by the parties, the historically accurate source for claim 40A 105561-00 is an unnamed tributary of the Middle Fork of Cottonwood Creek. (Doc.¹ 9.00, Exhibits D, E, and F). The proposed modification only modifies the source name, all other elements of the claim will remain as they appeared in the Basin 40A Preliminary Decree. No further notice of the proposed modification is required and the source name for claim 40A 105561-00 will be modified to “Unnamed Tributary of Middle Fork of Cottonwood Creek.”

Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report and its Recommendations with the above referenced amendment, and **APPROVES** the change to claim 40A 105561-00 in the centralized computer record system that is reflected on the abstract served with this Order.

ELECTRONICALLY SIGNED AND DATED BELOW.

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¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: 40A 105561-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CRAZY M RANCH PARTNERSHIP
% JOHN C MACKAY
PO BOX 26
MARTINSDALE, MT 59053 0026

Priority Date: MAY 23, 1906

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF MIDDLE FORK COTTONWOOD CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2NE	12	6N	10E	MEAGHER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2NE	12	6N	10E	MEAGHER

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

26218-00 105560-00 105561-00